

# Office of the State Public Defender

## Administrative Policies

Subject:	<b>Case Management Program and Data Certification</b>	Policy No.: <b>215</b>
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### 1.0 POLICY

The case management program is the agency's core application to collect and report data and assist in the representation of Montanans entitled to counsel at public expense. All employees of the agency shall use the case management program as required by their job responsibilities.

### 2.0 PROCEDURE

#### 2.1 Initial Case Information

Regional Deputy Public Defenders (RDPDs) shall ensure that cases are assigned and opened on a daily basis.

2.1.1 Upon receipt of a notice of appointment of OPD to represent a client in need of public defender services, the RDPD determines whether the case will be assigned to a contract attorney, to a state-employed public defender (FTE) or referred to the conflict office.

2.1.2 All case information must be entered into the case management system and a case ID number attached to that case **prior to** the delivery of the case file to the assigned attorney, whether FTE, contract or conflict. If the opening of a case is delayed, the "Receive Date" must accurately reflect the intake date. All opened cases for a particular month must be entered into the database within 10 days of month end.

2.1.3 Certain mandatory information is required by the case management system to ensure accurate reporting.

#### 2.2 Dispositional Information

RDPDs shall ensure that dispositional information is entered into the case management system after the conclusion of a case. Each FTE attorney shall close cases in conformity with OPD Policy 106, and all closures must be entered into the database within 10 days of month end. It is essential that the "Date Closed" entered in the database reflect the actual date of closure, NOT the date of data entry.

#### 2.3 Time Tracking

2.3.1 Attorneys shall keep daily track of time, in increments of one tenth of an hour, on all cases for all courts. Pending time shall be submitted on a weekly basis.

- 2.3.2 Attorneys shall input time into the case management system and not delegate the task to staff, outside of unusual circumstances.
- 2.3.3 It is critical to accurate reporting that attorneys associate time worked to individual cases.
- 2.3.4 Attorneys shall allocate time spent on general court matters not associated with a particular case to the most applicable general court tracking category. Each attorney should have a general time tracking category for each court in which the attorney makes regular appearances.
- 2.3.5 Only non-case related time may be allotted to administrative time tracking.

## **2.3 Time Entry Review**

- 2.4.1 RDPDs will be responsible for reviewing their regional reports to assure that data has been input in a uniform manner pursuant to OPD Policy 210, Required Reporting.
- 2.4.2 Supervisors shall review attorneys' time submissions on a weekly basis to ensure that attorneys are entering required time.
- 2.4.3 When an attorney is not tracking time on a weekly basis, it is the responsibility of the supervisor to work with the attorney to insure the attorney has time available and adequate training to enter time.
- 2.4.4 If, after efforts of the supervisor to assist, an attorney still does not track time, the attorney will be given a formal disciplinary letter with a corrective action plan. The letter of discipline will be maintained in the attorney's personnel file for six months.

## **2.5 Calendars**

- 2.5.1 Attorneys, staff and investigators shall calendar case events, appointments and case deadlines in the case management system.
- 2.5.2 Attorneys are professionally required to maintain an independent back up calendar.
- 2.5.3 Attorneys within a region shall have access to other attorneys' calendars within that region.
- 2.5.4 Staff shall assist attorneys and investigators in maintaining accurate calendars.

## **2.6 Case Notes**

Attorneys, staff and investigators, when possible, are required to enter notes in the case management system detailing case work and contacts with clients. Notes may be entered at the time of timekeeping or separately recorded within the case record.

## **2.7 Client Contact Information**

Attorneys, staff and investigators shall maintain updated and accurate contact information for clients in the case management system.

## **2.9 Electronic Filing Cabinet**

- 2.9.1 To the extent possible, RDPDs shall ensure that information received electronically is maintained in the case management system filing cabinet.
- 2.9.2 Offices shall comply with all developing OPD standards for both electronic filing and electronic records management to assure client records are complete and maintained consistently throughout the system.
- 2.9.3 The use of electronic copies, electronic service on opposing parties, and electronic retention of case materials is encouraged throughout the agency to reduce overhead costs and the impact on the environment.
- 2.9.4 Offices shall arrange for clients to receive documents electronically if the client consents.

## **2.10 Document Generation**

Central Services shall support regional and local offices in maintaining and developing documents in compliance with local court rules.

## **2.11 Attorney Reports**

Central Services shall support regional and local offices in providing reports required to maintain regional and local operations.

## **2.12 User Rights**

User rights within the case management system are based on each individual employee's duties and responsibilities. Requests for changes in user rights shall be made through the employee's supervisor.

## **2.13 Violation**

Violation of any provision of this policy may result in disciplinary action up to and including termination.

# **3.0 AUDITING AND CERTIFICATION**

The status of each case must be reviewed and certified to Central Services on a regular basis.

## **3.1. Monthly Review**

- 3.1.1 All FTE attorneys must review their assigned open and inactive cases within the first week of the month using the Open and Inactive Cases by Attorney Report.
- 3.1.2 Changes to case status must be identified on this report, and provided to an assigned support staff member in the office, so that all changes are updated in the database within 10 days of month end.
- 3.1.3 Support staff will document each change made to case status, certifying that the database has been updated, and/or that notations

were made to the case status notes on the file and return the report to the attorney.

- 3.1.4 The monthly Open and Inactive Cases by Attorney reports will be maintained by each attorney for the purpose of the quarterly certification review.

### **3.2. Quarterly Review**

- 3.2.1 On a quarterly basis, supervisors must meet with each FTE attorney to review their monthly reports. This review is intended to ensure that the status of each case is current in the database.
- 3.2.2 The reviewing manager will certify that this review process is complete by signing the Open and Inactive Cases by Attorney Reports and returning them to the attorney to be retained in accordance with the retention policy.
- 3.2.3 RDPDs and program managers will certify the accuracy of their data on a quarterly basis on a form provided by Central Services.

## **4.0 CLOSING**

Questions about this policy should be directed to::

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